

Appl. No. 08/994,878
Preliminary Amendment

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REMARKS / DISCUSSION OF ISSUES

Claims 5-10 are pending in the application. Claims 9 and 10 are newly added.

The final Office action of 26 September 2002, claims 5-8 under 35 U.S.C. 103(a) over Trostle (USP 5,919,257) and Asay et al. (USP 5,903,882, hereinafter Asay). The Appeal Board has upheld this rejection. In this rejection, the Examiner relies upon Asay for teaching the destruction of a user's private key after use; Trostle does not teach destroying a user's private key.

In both the final Office action and the Decision on Appeal, it is noted that claim 5 claims the alternative of destroying or not making any non-volatile copies of a private key. As noted in the Advisory Action of 22 November 2002, "Applicant is claiming destroying the private key at the user's site only and does not claim complete deletion/erase/destroy of all key copies in the user's system."

Claim 5, upon which claims 6-8 depend, is amended herein to specifically claim, "destroying all copies of the encrypted private key and all copies of the decrypted private key at the location of the user."

As noted in the applicant's prior responses, and as acknowledged by the Examiner, although Asay destroys the decrypted private key after each use (Asay, column 30, lines 55-57), Asay retains a copy of the encrypted private key for subsequent use (Assay, column 30, lines 53-54, and column 31, lines 14-17).

Because neither Trostle nor Asay, individually or collectively, teach or suggest destroying all copies of the user's encrypted and decrypted private keys, and because Asay specifically teaches storing the user's encrypted private key for subsequent use, the applicant respectfully requests the Examiner's reconsideration of the rejection of claims 5-8 under 35 U.S.C. 103(a) over Trostle and Asay, and favorable consideration of newly added claims 9 and 10, in view of this amendment.

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In view of the foregoing, the applicant respectfully requests that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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